

## Michigan Department of State

Campaign Finance Complaint Form

BUREAU OF ELECTIONS • RICHARD H. AUSTIN BUILDING - 1st Floor
430 W. ALLEGAN STREET • LANSING, MICHIGAN 48918

RECEIVED/FILED MICHIGAN DEPT OF STATE

2020 JUL 14 AM 10: 11

This complaint form may be used to file a complaint alleging that someone violated the GREAT SEAL Michigan Campaign Finance Act (MCFA). For instructions on how to complete this form, see the Campaign Finance Complaint Guidebook & Procedures document. All spaces are required unless otherwise indicated.

Section 1. Complainant	
Your Name	Daytime Telephone Number
Mailing Address	517-974-P352
5859 W. Saginaw #309	
City	State Zip //5/2
Lansing	MI 98917
Email (optional) joed joed is ano. ne	1.
Juce Joecusano.ne	
Section 2. Alleged Violator	
Name Town Snay // \	
Mailing Address	
737 Satterlee Rd.	
City D1 P5 / 1 //2/14	State VI Zip UN 2011
Bloomfield Hills	1°LL 16309
Smylyhomes@gmail.com	lina
Sirifegriomes & giriac.com	71)
Section 3. Allegations (Use additional sheets if more s	space is needed.)
Section(s) of the MCFA alleged to be violated:	169247 Sec 47
980 980 980 980 980 980 980 980 980 980	
Explain how those sections were violated:	DA A T A CO D
Respondent is a candidate for	Cloomlight Jourship Cerk
res campaign website (www.electto	msmyly com lacks any disdai
an acquired ly the Oct in of	lication the party sommeril
as required so was accipance	icaling the party responsel
for the expenditure for the	welry te person shots provide
	a property
Evidence included with the submission of the complaint	that supports the allegations:
Will dotton so di colo - as	

## Section 4. Certification (Required)

I certify that to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.

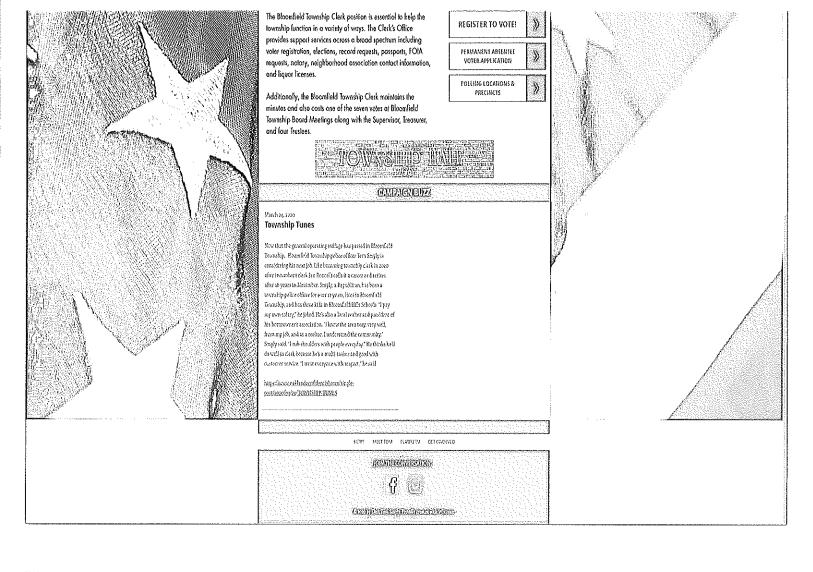
x Joe Oisano	June 18, 2020
Signature of Complainant	Date J
Section 5. Certification without Evidence	ce (Supplemental to Section 4)
If, after a reasonable inquiry under the circums contentions are supported by evidence as indicated	tances, you are unable to certify that certain factual ated above, you may make the following certification:
I certify that to the best of my know grounds to conclude that the follow contentions are likely to be support opportunity for further inquiry. The	ted by evidence after a reasonable
4	
X	
Signature of Complainant	Date

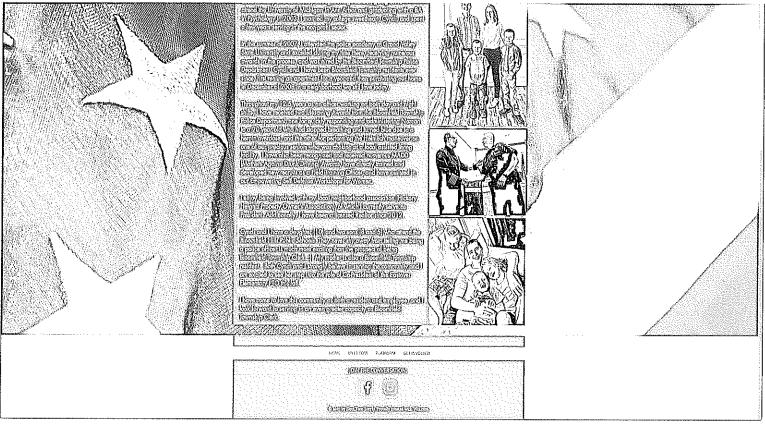
Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000.00 and some, or all, of the expenses incurred by the Michigan Department of State and the alleged violator as a direct result of the filing of the complaint.

## Section 6. Submission

Once completed, mail or hand deliver the complaint form with your evidence to the address below. The complaint is considered filed upon receipt by the Bureau of Elections.

> Michigan Department of State Bureau of Elections Richard H. Austin Building - 1st Floor 430 West Allegan Street Lansing, Michigan 48918







## STATE OF MICHIGAN JOCELYN BENSON, SECRETARY OF STATE DEPARTMENT OF STATE LANSING

July 24, 2020

Tom Smyly 737 Satterlee Road Bloomfield Hills, MI 48304

Re:

DiSano v. Smyly

Campaign Finance Complaint

No. 2020-07-63-47

Dear Mr. Smyly:

The Department of State (Department) has received a formal complaint alleging you have violated MCL 169.247 of the Michigan Campaign Finance Act (MCFA) by failing to include a complete and correct identification statement on certain campaign-related materials. A copy of the complaint is enclosed.

The complaint was submitted to the Department and alleges that your website fails to contain a proper paid for by statement.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(6).

Upon review, the evidence submitted supports the conclusion that a potential violation of the Act has occurred. From the outset, the Department must consider whether it is an expenditure covered by the MCFA. The website uses words of express advocacy as defined by the Act. MCL 169.206(2)(j). Because it urges voters to vote for you using words of express advocacy and was published by your committee, the signs are covered by the ambit of the Act and must include the paid for by statement outlined under section 47. MCL 169.206(2)(j).

After reaching this conclusion, the Act requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods [,]" if it finds that "there may be reason to believe that a violation ... has occurred [.]" MCL 169.215(10). The objective of an informal resolution is "to correct the violation or prevent a further violation [.]" *Id*.

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As of the date of this letter, the address appears on the bottom of the webpage. Given this, the Department concludes that a formal warning is a sufficient resolution to the complaint and is hereby advising you that MCL 169.247(1) and R 169.36(2) require you to print a complete and accurate identification statement on all campaign materials, consisting of the phrase "paid for by" followed by the full name and address of your committee.

Note that all printed materials referencing you or your candidacy produced in the future must include this identification statement. For all materials currently in circulation, the paid for by statement must be corrected. If this information has been included in your materials and you wish to rebut the Department's conclusion, you must respond in writing to the Department within 15 business days of the date of this letter otherwise the Department will treat the complaint as resolved.

Please be advised that this notice has served to remind you of your obligation under the Act to identify your printed matter and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act. A knowing violation is a misdemeanor offense and may merit referral to the Attorney General for enforcement action. MCL 169.247(6), 215(10).

Sincerely,

Adam Fracassi Bureau of Elections

Michigan Department of State

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Enclosure c: Joe DiSano